

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLANDCHAMBERS OF
ANDRE M. DAVIS
UNITED STATES DISTRICT JUDGEU.S. COURTHOUSE
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October 9, 2001

MEMORANDUM TO COUNSEL RE:

Shreve v. Sears, Roebuck & Co.
Civ. No. AMD 00-2162CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

DEPUTY

This will acknowledge plaintiffs' motion for reconsideration filed on October 5, 2001. I further understand from Judge Bredar that the case did not settle despite your best efforts both before and during the October 5, 2001, ADR proceedings, although some progress was made.

In any event, defendants should respond to the motion for reconsideration in accordance with the normal timeline for a motion response. *I am constrained to observe, however, that it seems obvious to me the appropriate remedy for a party's (alleged) failure to prepare adequately a corporate designee certainly is not to seek exclusion of that witness, whether or not he or she happens also to qualify as (or will be tendered as) an expert witness under Fed. R. Evid. 702.* Frankly, defendants' assertion that the aspect of the plaintiffs' "Motion to Conditionally Strike Defendants' Experts" relating to inadequate preparation was "specious," see Defs.' Opp. at 6, is not too far of the mark.

Please note your calendars: the case is scheduled for trial during the two week period beginning January 7, 2002. A date for a pre-trial conference will be set in due course.

Despite the informal nature of this letter, it is an Order of Court and the Clerk shall docket it as same.

Very truly yours,

Andre M. Davis
United States District Judge

AMD:tt
cc: Court file